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**Tempe City Council**  
**October 25, 2007**

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Vice Mayor Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Ellis
  - A. Approval of Council Meeting Minutes
    1. Council's Executive Session – September 25 & October 4, 2007
    2. Council's Issue Review Session – October 4, 2007 [20071025clrkck02.pdf](#)
    3. Council's Formal Meeting – October 4, 2007 [20071025clrkck01.pdf](#)
    4. Council's Tourism & Amateur Sports Committee – September 12, 2007  
[20071025tasc01.pdf](#)
    5. Council's Transportation & Affordable Housing Committee – September 25, 2007  
[20071025tahc01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    6. Apache Boulevard Project Area Committee – September 10, 2007  
[20071025apac01.pdf](#)
    7. Committee for Youth, Families and Community – September 17, 2007  
[20071025cyfc01.pdf](#)
    8. Community Special Events Task Force – September 25 & October 9, 2007  
[20071025setf01.pdf](#) [20071025setf02.pdf](#)
    9. Development Review Commission – August 14 & 28, and September 25, 2007  
[20071025drc01.pdf](#) [20071025drc02.pdf](#) [20071025drc03.pdf](#)
    10. Hearing Officer – September 4 & 18, 2007 [20071025ho01.pdf](#) [20071025ho02.pdf](#)
    11. Historic Preservation Commission – August 9, 2007 [20071025hpc01.pdf](#)
    12. Historical Museum Advisory Board – September 6, 2007 [20071025csjc02.pdf](#)
    13. Mayor's Youth Advisory Commission – September 25, 2007 [20071025myac01.pdf](#)
    14. Municipal Arts Commission – August 8, 2007 [20071025mac01.pdf](#)
    15. Neighborhood Advisory Commission – September 5, 2007 [20071025nac01.pdf](#)
    16. Rio Salado Advisory Commission – August 28, 2007 [20071025rsac01.pdf](#)
    17. Tempe Police Public Safety Personnel Retirement Board – September 6, 2007

#### 4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
  - **American Council of Engineering Companies Award**
- B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

**q-j** indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

##### A. Miscellaneous Items

- 18.** Request approval of a Men's Senior Baseball League (MSBL) World Series Letter of Agreement for the use of Tempe Diablo Stadium for annual baseball tournament activities.

**COMMENTS:** MSBL pays approximately \$28,000 annual rental fees to the City of Tempe and 100% of stadium expenses.

**DOCUMENT NAME:** [20071025prkb01.pdf](#) **SPORTS  
ADMINISTRATION/POLICIES (0105-01-07)**

19. Request approval of and authorization for the Mayor to execute the Second Amendment to the Lease Agreement between the City of Tempe and Angels Baseball, LP for Tempe Diablo Stadium.

**DOCUMENT NAME:** [20071025prmr01.pdf](#) **DIABLO STADIUM -  
CALIFORNIA ANGELS (0903-15)**

20. Request approval of the 5<sup>th</sup> Amendment (4th Extension) of Agreement C2003-67 between Rock 'N' Roll Arizona Inc. (RNR), the Tempe Convention and Visitors Bureau (TCVB) and the City of Tempe (Tempe) for Tempe to host the finish of the half and full RNR marathon on January 13, 2008.

**COMMENTS:** The net fiscal impact to Tempe is approximately \$150,000 (cash and in-kind City services).

**DOCUMENT NAME:** [20071025prtd03.pdf](#) **SPORTS  
ADMINISTRATION/POLICIES (0105-01-07)**

21. Request approval of the Insight Fiesta Bowl Block Party Agreement combining the Fiesta Bowl New Year's Eve Block Party Agreement and The Insight Bowl Participation Agreement.

**DOCUMENT NAME:** [20071025prtd02.pdf](#) **VALLEY OF THE SUN  
FOUNDATION (0105-01-12)**

22. Request approval to change Section 8.F.5 of the Rio Salado Management Plan regarding the insurance requirement for skilled boating events as permitted by the City on Tempe Town Lake.

**COMMENTS:** To change the insurance requirements for skilled boating events on Tempe Town Lake from \$5M to \$2M from the sport's National Governing Body.

**DOCUMENT NAME:** [20071025prkb02.pdf](#) **RIO SALADO MASTER PLAN  
(0112-07-03)**

23. This is a request for a Condominium Plat for RAINTREE VILLAS – AMENDED at 1424 South Jentilly Lane.

**COMMENTS:** (PL060605) (Elizabeth Ross/Jentilly 24 LLC, applicant/property owner) located at 1424 South Jentilly Lane, in the R-4 Zoning District, including the following request:

**SBD07040** – Amended Condominium Plat for 24 units on 1 lot.

**DOCUMENT NAME:** [20071025dsrl01.pdf](#) **PLANNED DEVELOPMENT  
(0406)**

24. Request for a Subdivision Plat for CVS PHARMACY STORE NUMBER 9205 at 802 South Mill Avenue.

**COMMENTS:** (PL060561) (Diana Rinck, Armstrong Development Properties, Inc., property owner; Steve Bowser, Metroland Consultants L.L.C., applicant) for a Final Subdivision Plat, located at 802 South Mill Avenue, in the CC, City Center District, including the following:

**SBD07038** – Final Subdivision Plat to unify the five existing parcels into one parcel on 0.9377 net acres.

**DOCUMENT NAME:** [20071025dskko02.pdf](#) **PLANNED DEVELOPMENT  
(0406)**

- \*25. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Kabuki Restaurants, Inc., dba Kabuki Japanese Restaurant, 2000 East Rio Salado Parkway, #375.

**COMMENTS:** Kevin Kramber, Agent  
**DOCUMENT NAME:** [20071025LIQ1.pdf](#) LIQ LIC (0210-02)

- \*26. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Voodoo Daddy's, LLC, dba Voodoo Daddy's Magic Kitchen, 1706 East Warner Road, #398.

**COMMENTS:** Scott Slavin, Agent  
**DOCUMENT NAME:** [20071025LIQ2.pdf](#) LIQ LIC (0210-02)

- \*27. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Fred's Flowers, 1860 East Warner Road, #108.

**COMMENTS:** Renee Potte, Agent  
**DOCUMENT NAME:** [20071025LIQ3.pdf](#) LIQ LIC (0210-02)

- \*28. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Keg Restaurants Arizona, Inc., dba The Keg Steakhouse & Bar, 23 South McClintock Drive.

**COMMENTS:** David Campbell, Agent  
**DOCUMENT NAME:** [20071025LIQ5.pdf](#) LIQ LIC (0210-02)

- \*29. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Emre, Inc., dba Med Fresh Grill, 414 South Mill Avenue, #117.

**COMMENTS:** Edip San, Agent  
**DOCUMENT NAME:** [20071025LIQ7.pdf](#) LIQ LIC (0210-02)

- \*30. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Holtzman Enterprises, Inc., dba 7-Eleven 32265E, 485 West Warner Road.

**COMMENTS:** Howard T. Holtzman, Agent  
**DOCUMENT NAME:** [20071025LIQ10.pdf](#) LIQ LIC (0210-02)

- \*31. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for The Haunted Castle, 6463 South Rural Road.

**COMMENTS:** Kurt Havelock, Agent  
**DOCUMENT NAME:** [20071025LIQ9.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

32. Request to award a one-year contract with three (3) one-year renewal options to Unique Management Services, Inc., for library collection services.

**COMMENTS:** (RFP #08-034) Total cost for this contract shall not exceed \$50,000 during the initial contract period.

**DOCUMENT NAME:** [20071025fsts07.pdf](#) **PURCHASES (1004-01)**

33. Request to award one-year contracts with two (2) one-year renewal options to Seeds West, UAP Distribution, Inc., and Western Sere for mulch, grass seed, tackifier, and other products.

**COMMENTS:** (RFP #08-035) Total cost for this contract shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20071025fslq06.pdf](#) **PURCHASES (1004-01)**

34. Request approval of a one-year renewal of a contract with Tempe Family YMCA for child care services at the Westside Multigenerational Facility.

**COMMENTS:** (T06-117-01) There is no cost to the City for this contract.

**DOCUMENT NAME:** [20071025fslq01.pdf](#) **PURCHASES (1004-01)**

35. Request approval of a one-year renewal of a contract with Carmanah Technologies Corporation for solar lighting for bus shelters.

**COMMENTS:** (T07-083-01) Total amount not to exceed \$70,000.

**DOCUMENT NAME:** [20071025fslq04.pdf](#) **PURCHASES (1004-01)**

36. Request approval of a one-year renewal of a contract with Carmanah Technologies Corporation for solar lighting for bus mini-shelters.

**COMMENTS:** (T06-102-01) Total amount not to exceed \$35,000.

**DOCUMENT NAME:** [20071025fslq05.pdf](#) **PURCHASES (1004-01)**

37. Request approval of a one-year renewal of contracts with Stabilizer Solutions, Inc., Horizon, Arizona Sports Turf, Inc., and Elite Specialty Products, Inc., for ball field surface maintenance products.

**COMMENTS:** (T07-056-01 through T07-056-04) Total amount not to exceed \$85,000.

**DOCUMENT NAME:** [20071025fslq03.pdf](#) **PURCHASES (1004-01)**

- 38.** Request approval to utilize a one-year Regional Public Transit Authority (RPTA) contract with Vehicle Technical Consultants, Inc., for a vehicle fleet maintenance, inspection and compliance program.

**COMMENTS:** (Contract #VTCI 2005) Total cost of this contract shall not exceed \$87,000 during the initial contract period.

**DOCUMENT NAME:** [20071025fslq02.pdf](#) **PURCHASES (1004-01)**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*39. This is the **introduction and first public hearing** to amend Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-63 relating to speed limits. **The second public hearing is set for November 8, 2007.**

**DOCUMENT NAME:** [20071025PWSS01.pdf](#) **TCC CH 19 – MOTOR VEHICLES AND TRAFFIC (0503-19) ORDINANCE NO. 2007.30.**

- \*40. This is the **introduction and first public hearing** for a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlays for FARMER ARTS DISTRICT located at 280 West University Drive. **A second public hearing is scheduled for November 8, 2007.**

**COMMENTS:** (PL070353) (Farmer Arts, LLC, owner; Todd Marshall, applicant) for a General Plan Amendment, Zoning Map Amendment and Planned Area Developments for a mixed-use development consisting of several buildings including residential, retail and public spaces (library) on 8.81 net acres located at 280 West University Drive in the GID, General Industrial District. The request includes the following:

**GEP07005 – (Resolution No. 2007.82)** General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac).

**ZON07008 – (Ordinance No. 2007.68)** Zoning Map Amendment from GID, General Industrial District and TOD to MU-4, Mixed-Use High Density District and TOD.

**PAD07020 –** Planned Area Development Overlay for Farmer Arts District, Parcel 1 to establish development standards for five (5) buildings consisting of a public library, commercial and mixed-use with live/work up to seven (7) floors, on +/-4.82 acres

**PAD07024 –** Planned Area Development Overlay for Farmer Arts District, Parcel 2 to establish development standards for four (4) buildings consisting of commercial and mixed-use with live/ work up to 5 floors, all in approx. of building area on +/-3.51 acres

**DOCUMENT NAME:** [20071025dssa01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*41. This is the **introduction and first public hearing** for a General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay for RESIDENCES AT THE ARTSPARK located at 600 West 1<sup>st</sup> Street. **A second public hearing is scheduled for November 8, 2007.**

**COMMENTS:** (PL070166) (Ross Robb, Zacher Homes and Chris Messer, City of Tempe Community Development Department, owners; Michael Rumpelstin, R.S.P. Architects, applicant) consists of a mixed-use development including 472 residential units and 40 live-work units, approximately 1,071,700 s.f. of building, on +/- 5.215 acres. The request includes the following:

**GEP07004 – (Resolution No. 2007.71)** General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 d.u./ac.) to High Density (greater than 25 d.u./ac.)

**ZON07009 – (Ordinance No. 2007.66)** Zoning Map Amendment from GID, General Industrial District and RSOD, Rio Salado Overlay District to MU-4, Mixed-Use, High Density District and RSOD, Rio Salado Overlay District.

**PAD07022** – Planned Area Development Overlay to establish Development Standards for the four buildings on +/- 5.215 acres.

**DOCUMENT NAME:** [20071025dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*42. This is the **introduction and first public hearing** for a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay for APACHE ASL TRAILS located at 2428 E. Apache Boulevard. **A second public hearing is scheduled for November 8, 2007.**

**COMMENTS:** (PL070371) (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a General Plan Amendment, Zoning Map Amendment, Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-170,000 sq. ft. development on +/-2.27 acres located at 2428 E. Apache, in the CSS Commercial Shopping and Services District. The request includes the following:

**GEP07007 (Resolution 2007.86)** – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac)

**ZON07010 (Ordinance 2007.73)** - Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4)

**PAD07025** - Planned Area Development (PAD) overlay for development standards and a density of 60 du/ac, consisting of 135 residential units and 13,000 sq. ft. of retail, restaurant and office uses within 3-6 floors of mixed-use buildings.

**DOCUMENT NAME:** [20071025dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*43. This is the **introduction and first public hearing** to adopt an ordinance granting an easement to Arizona Public Service to install and maintain the necessary facilities to provide electrical service to the Tempe Transit Center building located at 200 East 5<sup>th</sup> Street. **The second public hearing is scheduled for November 8, 2007.**

**DOCUMENT NAME:** [20071025PWCH01.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2007.69**

- \*44. This is the **introduction and first public hearing** to adopt an ordinance abandoning a water line easement at 1630 W. Alameda Drive, west of Priest Drive. **The second public hearing is set for November 8, 2007.**

**DOCUMENT NAME:** [20071025PWCH03.pdf](#) **ABANDONMENT (0901)**  
**ORDINANCE NO.** 2007.71

D. Ordinances and Items for Second Hearing/Final Adoption

- \*45. This is the **second public hearing** to amend Chapter 14 of the Tempe City Code relating to Fire Prevention and Protection by amending Article II, Division 2, Section 14-41 relating to Fire Code Amendments.

**DOCUMENT NAME:** [20071025cacc01.pdf](#) **TCC CH 14 - FIRE PREVENTION & PROTECTION (0503-14)** **ORDINANCE NO.** 2007.70

- \*46. This is the **second public hearing** to amend Chapter 26A of the Tempe City Code relating to Procurement.

**DOCUMENT NAME:** [20071025fsjh01.pdf](#) **TCC CH 26A- PROCUREMENT (0503-41)** **ORDINANCE NO.** 2007.72

E. Resolutions

**47. ~~DELETED~~**

48. Request approval of a resolution authorizing the Mayor to execute an Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community ("SRPMIC").

**DOCUMENT NAME:** [20071025graw01.pdf](#) **STATE LEGISLATURE (0107-06)**  
**RESOLUTION NO.** 2007.87

49. Request approval of a resolution authorizing the Mayor to execute a Funding Agreement between the City of Tempe and Community Outreach & Advocacy for Refugees ("COAR").

**DOCUMENT NAME:** [20071025graw02.pdf](#) **STATE LEGISLATURE (0107-06)**  
**RESOLUTION NO.** 2007.91.

50. Request approval of a resolution authorizing the Mayor to execute a Funding Agreement between the City of Tempe and Arizona State University-Indian Legal Program ("ASU-ILP").

**DOCUMENT NAME:** [20071025graw03.pdf](#) **STATE LEGISLATURE (0107-06)**  
**RESOLUTION NO. 2007.90.**

51. Request approval of a resolution authorizing the Mayor to sign Amendments 1 and 2 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement.

**DOCUMENT NAME:** [20071025cacc02.pdf](#) **WATER RIGHTS (0811-11)**  
**RESOLUTION NO. 2007.89**

## 6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed. Comments are aired live and replayed on Tempe Channel 11.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

### SCHEDULED PUBLIC APPEARANCE

- Rachel Hill, Tempe, re: recycling

## 7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**